

**IN THE CLAIMS:**

1. (currently amended) A surgical apparatus for delivering fluid to treat a lesion comprising:

an elongated member having a distal tip and a plurality of openings formed in a sidewall proximal of the distal tip;

a plurality of fluid delivery members movably positioned in the elongated member, each of the fluid delivery members having a lumen and at least two openings proximal of the distal tip communicating with the lumen for delivering fluid to the lesion; and

an actuator operatively associated with the fluid delivery members, the actuator actuable to a first position to move the fluid delivery members from a retracted position within the elongated member to a first deployed position extending radially with respect to the elongated member and actuable to a second deployed position to move the fluid delivery members from the first deployed position to a second deployed position extending further radially from the elongated member, and a retention member positioned internal of the apparatus, the fluid delivery members being retained in the first and second deployed positions by a the retention member to deliver fluid to respective first and second treatment zones, the retention member interacting with an internal region of the apparatus.

2. (original) The apparatus of claim 1, wherein the distal tip of the elongated member is a sharp tip configured to penetrate tissue.

3. (original) The apparatus of claim 2, wherein each of the plurality of fluid delivery members has a sharp tip configured to penetrate tissue.

4. (original) The apparatus of claim 1, wherein the actuator is axially slidable to move the plurality of fluid delivery members between the retracted, first deployed and second deployed position.

5. (original) The apparatus of claim 1, wherein in the first and second deployed positions, a distal end of the fluid delivery member does not extend distally of the distal tip of the elongated member.

6. (original) The apparatus of claim 5, wherein the plurality of fluid delivery members are composed of shape memory metal.

7. (original) The apparatus of claim 1, wherein one of the plurality of fluid delivery members is extendable to a deployed position in substantial alignment with a longitudinal axis of the elongated member.

8. (original) The apparatus of claim 7, wherein the fluid delivery member extendable in substantial alignment with the longitudinal axis has a diameter less than a diameter of the other fluid delivery members which are extendable radially at an angle to the longitudinal axis.

9. (original) The apparatus of claim 7, further comprising an elongated guide fixedly mounted within the elongated member, the fluid delivery member extendable in substantial alignment with the longitudinal axis slidably received within a lumen of the guide.

10. (currently amended) The apparatus of claim 1, wherein the retention member comprises a flexible tab, and the internal region includes a plurality of recesses, the flexible tab engageable in one of a the plurality of recesses.

11. (currently amended) The apparatus of claim 10, wherein the tab is mounted on the actuator and engages one of a the plurality of recesses formed in a housing through which the actuator is slidably received.

12. (original) The apparatus of claim 1, further comprising a support tube slidably mounted within the elongated member and operatively connected to the actuator, the plurality of fluid delivery members connected to the support tube.

13. (original) The apparatus of claim 1, further comprising a visible indicator to indicate the position of the plurality of fluid delivery members.

14. (original) The apparatus of claim 1, wherein the at least one opening in the fluid delivery members is formed in a sidewall of the member and includes multiple openings in the sidewall.

Claims 15-26 (canceled)

27. (currently amended) A surgical apparatus for delivering fluid to treat a lesion comprising:

an elongated member having a sharpened distal tip, a plurality of openings formed in a sidewall proximal of the distal tip, the elongated member having a cross-sectional circumference of between about .18 inches and about .22 inches;

a plurality of hollow fluid delivery members movably positioned in the elongated member, each of the fluid delivery members having a penetrating tip, a lumen and at least one opening communicating with the lumen for delivering fluid to the lesion, each of the fluid delivery members having a cross-sectional circumference of between about .030 inches and about .040 inches; and

an actuator operatively associated with the fluid delivery members, the actuator actuatable to a first position to move the plurality of fluid delivery members from a retracted position within the elongated member to a first deployed position extending radially with respect to the elongated member and actuatable to a second position to move the plurality of fluid delivery members from the first deployed position to a second deployed position extending further radially from the elongated member, and a retention member positioned internal of the apparatus and interacting with an internal region of the apparatus to retain the fluid delivery members in the first and second deployed positions.

Claims 28-30 (canceled)

31. (currently amended) The apparatus of claim 1, wherein the actuator is slidable in an axial direction to deploy the fluid delivery members

and the retention member ~~is disposed internal of the apparatus and~~ interacts with the slidable actuator to retain the fluid delivery members in the first and second deployed positions.

32. (previously added) The apparatus of claim 31, further comprising a second retention member disposed internal of the apparatus and radially spaced from the first retention member, wherein the second retention member interacts with the slidable actuator to retain the fluid delivery members in the first and second deployed positions.

33. (currently amended) The apparatus of claim 31, wherein the actuator includes a flexible member formed ~~by a cutout~~ in a body of the actuator, the flexible member being engagable with the retention member.

34. (previously added) The apparatus of claim 1, further comprising a second retention member disposed internal of the housing and radially spaced from the first retention member, wherein the second retention member interacts with the slidable actuator to retain the fluid delivery members in the first and second deployed positions.

Claims 35-38 (canceled)